IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1240 OF 1987

Surajmal K.Jain .. Plaintiff.

Versus

Khumchand K.Jain & Ors. .. Defendants.

Mr.B.P.Manek i/b.K.P.Jain for defendant Nos.1 and 3.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th October, 2007.

P.C.

1. From the manner in which the matter has been prosecuted, it appears that the plaintiff is not interested in obtaining any relief against the defendants.

2. My attention is invited to the order

dated 13th April, 2005 in Chamber Summons No.1115 of 2004 in Suit No.1240 of 1987, wherein, the plaintiff took out the chamber summons to delete the name of the defendant No.2, who has expired. That chamber summons was allowed despite it being taken out after lapse of 10 years.

3. The chamber summons was allowed subject to payment of costs, quantified at Rs.10,000/-. The amendment is yet not carried out nor the costs tendered to the defendants. The plaintiff and his Advocate is absent. These facts are gathered from the learned Advocate appearing for defendant Nos.1 and 3.

4. In the above circumstances, the suit stands dismissed for want of prosecution.

(S.C.Dharmadhikari, J.)